Attorney Docket: 501012.20505

Customer No.: 026418

## **REMARKS**

In the amendments above, Claim 1 has been amended and Claims 2 to 13 have been cancelled to more particularly point out and distinctly claim Applicants' invention.

Claims 1 to 8 and 10 to 13 have been rejected as being unpatentable over the prior art, and Claim 9 was indicated as containing allowable subject matter. The Examiner's attention is directed to the amendments above, where the subject matter of dependent Claims 8 and 9 has been incorporated into independent Claim 1. Claims 1 and 14 should now both be considered allowable. In view of the cancellation of Claims 2 to 13, discussion of the prior art is not believed necessary.

Reconsideration and allowance of the remaining claims herein are respectfully requested.

Respectfully submitted,

April 14, 2005

Registration No. 26,723

Reed Smith LLP 599 Lexington Avenue 29<sup>th</sup> Floor New York, New York 10022-7650 Telephone 212-521-5400

Facsimile: 212-521-5450

e-Mail: wdippert@reedsmith.com



PTO/SB92 (08-00) Approved for use through 10/31/2002, OMB 0651-0031 U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## Certificate of Express Mail Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail under 37 CFR 1.10 on the date indicated below and is addressed to:

> Mail Stop: Amendment Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450

·EV373419065US April 14, 2005 Date Express Mail Label Geraldine Gress

> Reed Smith LLP 599 Lexington Avenue 29th Floor New York, New York 10022-7650 Telephone: 212-521-5400; Facsimile: 212-521-5450

Note: Each paper must have its own certificate of mailing, or this certificate must identify

each submitted paper.

Applicant:

Stephen Lipson, et al.

Serial No:

10/088,654

Filing Date:

March 14, 2002

For:

PLASMON RESONANCE PHASE IMAGING

Enclosures: (1) Amendment (5 pages); (2) Petition For 3-Month Extension of Time (1 page);

(3) Fee Check in the amount of \$510.00; (4) Acknowledgement Postcard

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.